

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

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11-23-2010  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Jonathan T. Pimey M15216

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs. NEDRA R. CHANDLER

DIXON, I. D.O.C.; Prisoner Review Board

(Warden) Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

ILLINOIS

(State where judgment entered)

10 C 7535

Judge Rebecca R. Pallmeyer

Magistrate Judge Young B. Kim

Case Number of State Court Conviction:

2006-CF-39

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: 13<sup>th</sup> Circuit Court of Illinois  
Ottawa, La Salle County, 707 E 9th Rd.; Ottawa, IL. 61350
2. Date of judgment of conviction: Re Sentenced July 15, 2000
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
Aggravated battery; Criminal Trespass on State property / Real property
4. Sentence(s) imposed: 4 1/2 years Imprisonment 1 year MSR (Increased to 2 years MSR by IDOC)
5. What was your plea? (Check one)
 

(A) Not guilty	( <input checked="" type="checkbox"/> )
(B) Guilty	( <input type="checkbox"/> )
(C) Nolo contendere	( <input type="checkbox"/> )

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

Disorderly conduct (Revocation hearing) forced representation by former prosecutor  
Evidence Tape of conspiracy to make the false complaint recorded on micro cassette  
Illegally suppressed/denied/stolen

Revised: 7/20/05

**PART I - TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one): Jury <sup>(original Agg. bat)</sup> ☒ Judge only <sup>conditional Release Revocation</sup> ☐ (on re confinement)
2. Did you testify at trial? YES ☒ NO ☐
3. Did you appeal from the conviction or the sentence imposed? YES ☒ NO ☐

(A) If you appealed, give the

- (1) Name of court: 3rd Judicial district Appellate Court
- (2) Result: Pending
- (3) Date of ruling: N/A
- (4) Issues raised: N/A (Public defender [Appellate] Advised of 720 ILCS 5/4-1 voluntary act as element as well as case laws of People v. Holtzman & People v. Duda; burden not met)

(B) If you did not appeal, explain briefly why not:

Agg. battery denied full review by Appellate court, Pro-se and Homeless poor combination for resources and ability to file documents necessary

4. Did you appeal, or seek leave to appeal, to the highest state court? YES ☐ NO ☒

(A) If yes, give the

- (1) Result: \_\_\_\_\_
- (2) Date of ruling: \_\_\_\_\_
- (3) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(B) If no, why not: Appellate still pending

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes ☐ No ☒

If yes, give (A) date of petition: \_\_\_\_\_ (B) date certiorari was denied: \_\_\_\_\_

**PART II – COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (✓) NO ( )

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):A. Name of court: 13<sup>th</sup> Circuit CourtB. Date of filing: unknownC. Issues raised: Incomplete coverage of allegation (not criminal trespassing when not depriving use of state property); Improper review; burden not met

D. Did you receive an evidentiary hearing on your petition? YES (✓) NO ( )

E. What was the court's ruling? Not new issue - DeniedF. Date of court's ruling: 8/27/10

G. Did you appeal from the ruling on your petition? YES (✓) NO ( )

H. (a) If yes, (1) what was the result? Pending(2) date of decision: 8/27/10

(b) If no, explain briefly why not: \_\_\_\_\_

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES ( ) NO (✓)

(a) If yes, (1) what was the result? \_\_\_\_\_

(2) date of decision: \_\_\_\_\_

(b) If no, explain briefly why not: Matter pending in appellate court

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO (X)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding \_\_\_\_\_
2. Date petition filed \_\_\_\_\_
3. Ruling on the petition \_\_\_\_\_
4. Date of ruling \_\_\_\_\_
5. If you appealed, what was the ruling on appeal? \_\_\_\_\_
6. Date of ruling on appeal \_\_\_\_\_
7. If there was a further appeal, what was the ruling? \_\_\_\_\_
8. Date of ruling on appeal \_\_\_\_\_

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES ( ) NO (X)

A. If yes, give name of court, case title and case number: \_\_\_\_\_

B. Did the court rule on your petition? If so, state

- (1) Ruling: \_\_\_\_\_
- (2) Date: \_\_\_\_\_

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES (X) NO ( )

If yes, explain: Pending Appeal in 3rd District Appellate court of ILLINOIS;  
Petition to sue/defend filed in federal court with this  
petition in relation to the above case

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

(A) Ground one Original charge I legally had  
Supporting facts (tell your story briefly without citing cases or law):

Officer was not acting within scope of legal duty to  
deprive religious practice, nor unlawful forcing of controlled  
substance; Nor is rendering a forearm across the teeth  
of an individual an authorized restraint tactic; Entrapment  
legal defense not instructed to jury despite obvious facts  
raised in court instruction was denied; Case law on OT 37  
clearly I was not pre disposed to bite a police officer  
while in my hospital bedroom, not to mention the act of  
Torture in violation of Title 18 of the Federal Criminal Code  
113C Torture § 2340 (B); not to mention Nuremberg defense.

(B) Ground two It is not a crime to be homeless  
Supporting facts:

Court ruled violation of conditional release "by commission  
of crime", being that I was living underneath a bridge  
that crossed a river off in the country, claimed to be  
criminal trespassing of state supported land / Real property  
In violation of People v. Holtzman App. 4 dist. 1973, 10  
ILL. App. 3d 528, 294 N.E. 2d 708; As well as: People v. Duda  
App. 4 Dist. 1980, 37 Ill. Dec. 817, 82 Ill. App. 3d 525, 402  
N.E. 2d 819 affirmed 50 Ill. Dec. 641, 84 Ill. 2d 406,  
419 N.E. 2d 909; As well as various Federal rulings that  
Vagrancy Statutes violate ones 14<sup>th</sup> Amendment rights (which this  
was being used to emulate such)

(C) Ground three Re Sentenced Period Expired

Supporting facts:

I was sentenced to  $4\frac{1}{2}$  years in incarceration, standard "Day for Day" good time calculation applicable to 982 days (as sentenced) served. 7 days later I was released from JDOC's Stateville and ordered to enter a shelter in west side Chicago and there serve an extra 2 years parole (Mandatory Supervised Release); while I was sentenced under a class 3 felony only 1 year MSR is allowed, but the 33 months already served, doubled accounts  $5\frac{1}{2}$  years served, my sentence has expired. see 730 ILCS 5/3-3-10 (also 730 ILCS 5/3-3-3).

(D) Ground four State law / Rights Denied

Supporting facts:

730 ILCS 5/3-3-4 guarantees persons "eligible" for release are entitled to furlough release under 730 ILCS 5/3-11-1 (a)(4) directly indicates to secure residence upon release on parole or discharge, which right was denied to myself and process to "violate" M.S.R. (which under 730 ILCS 5/3-14-2 indicates was an unlawful custodial position beyond the authorized sentence)

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ( ) NO (✓)

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

Criminal complaint never addressed in State Court (though filed); Fed Ct. holds primary Juris; Original charge's appeal was cut short, New appeal pending of Trespassing allegation, P.R.B. warrant Not legal process, still underway

**PART IV - REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing Not given
- (B) At arraignment and plea Mathew Kidder (Now-officially - State's Attorney)
- (C) At trial Pro-Se
- (D) At sentencing Pro-Se
- (E) On appeal Robert Agostinelli via Jay Wiegman
- (F) In any post-conviction proceeding Pro-Se
- (G) Other (if any): "fitness trials" ~~Robert~~ Vescogni, Jim Reilly; 3/18/10 Michael Olewinski (my former prosecutor from 2/16/06) Petition to Revoke

**PART V - FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES (✓) NO (✓) current

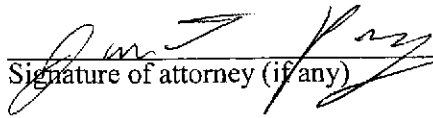
Name and location of the court which imposed the sentence: 13<sup>th</sup> Circuit Casselle County Dittmer, IL

Date and length of sentence to be served in the future 4 1/2 years Time served 982 X 2 day bond  
Good conduct Credit

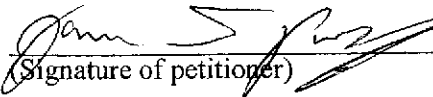
WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 11/1/10

(Date)

  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

  
(Signature of petitioner)

M15216  
(I.D. Number)

3507 E. 27<sup>th</sup> Rd; Marseilles, IL 61341  
(Address)

Dixon Correctional Center  
2600 N. Brenton Ave.  
Dixon, IL 61021